

attorney docket number 1600/121), which claims the earliest priority date of U.S. patent application number 09/394,169 (referred to herein as the “ ‘169 application” and assigned attorney docket number 1600/114A). Although the ‘169 application has issued, both the ‘327 application and the ‘169 application were copending. Moreover, the ‘327 application incorporates the entire ‘169 application by reference (see page 5, lines 13-17 of the ‘327 application).

REQUIREMENTS UNDER 37 CFR §1.607

1. Identification of the Patent

The Patent is U.S. patent number 6,036,171, which issued on March 14, 2000.

2. Proposed Count

Applicants submit one proposed count. In particular, the proposed count is as follows: Cote et al. claims 1 and 13 or Weinheimer et al. claims 1 and 14.

3. Claims in The Patent Corresponding to Proposed Count

Claims 1-20 in The Patent correspond to the proposed count.

4a. Claims in This Application Corresponding to Proposed Count

Claims 1-19 of This Application correspond to the proposed count.

4b. Explanation of Why Claims Not Corresponding Exactly to Proposed Count Correspond to Proposed Count

Claims 2-12 and 14-19 do not correspond exactly to the proposed count. All of these claims nevertheless correspond to the proposed count since they were present in an issued patent (i.e., the Weinheimer et al. patent).

5. Applying Terms of Application Claims to the Disclosure of Application

Support in the specification and drawings for each claim is shown below¹. It should be noted, however, that the supporting specification and/or drawings noted after each claim and/or clause is exemplary and thus, not intended to be designated as the only source of support for its respective claim and/or clause. Accordingly, additional sources of support (other than those noted) for each claim element also may be present in the specification and drawings.

Claim 1:

A valve engagable with an instrument (page 4, lines 14-19, figure 2, nozzle 60):
said valve comprising: a valve body (page 4, line 15);
a deformable stem located in said valve body and shiftable therein (gland 12 in all figures, page 7, lines 5-13);
said stem having an aperture (aperture 42 in figure 1 and page 4, lines 21-22) configured such that when the instrument is engaged with said aperture in said stem, said stem shifts within said valve body and said aperture deforms to allow liquid to flow therethrough to or from the instrument (figures 3-6, page 7, lines 14-25, page 4, line 27 to page 5, line 3);
a plug member in said stem (cannula 14, which cooperates with the gland 12 to plug the interior of the valve via seal 22, figures 1-6, and page 4, lines 15-16),
said plug member shiftable to a position of generally sealed engagement with said stem while the instrument is still engaged with said aperture in said stem (seal area 22, figure 2, page 6, line 28 to page 7, line 4 and page 7, lines 7-9).

Claim 2

A valve as recited in claim 1, wherein said plug member seals off a relatively high pressure area (seal area 22, page 5, lines 25-26) and provides a low pressure area adjacent said aperture thereby reducing a likelihood that fluid will squirt out said stem through said aperture when the instrument is disengaged from said aperture (page 5, lines 25-27).

¹ See MPEP 2301.01, which notes that a claim “should be given its broadest reasonable interpretation, which it reasonably will support, bearing in mind” various delineated principles.

Claim 3

A valve as recited in claim 1, said stem and said valve body configured such that when the instrument is not engaged with said stem, said valve body engages said stem thereby urging said aperture closed (page 4, lines 23-26).

Claim 4

A valve as recited in claim 1, wherein a portion of said stem is generally conical and facilitates the closing of said aperture in said stem when said valve body engages said stem when the instrument is not engaged with said stem. (The portion of the gland 12 in figure 17 that is radially outside portion 14c is a part of the gland 12 that, at least in part, urges the seal section 10 into the portion of the housing that forces the aperture 42 closed).

Claim 5

A valve as recited in claim 1, said stem including a head portion, said head portion contacting said valve body when the instrument is not engaged in said aperture in said stem, said contact between said head portion and said valve body urging said aperture in said stem closed. (seal section 10, figure 1, page 4, lines 23-36).

Claim 6

A valve as recited in claim 1, said stem including a throat portion (as shown in figures 1-6 the portion of the gland 12 extending from the swabbable top surface to the seal area 22, *i.e.*, including the tubular section 18) which contacts said valve body and provides generally axial compressive resistance when the instrument is engaged with said aperture in said stem (page 7, lines 9-11, page 11, lines 26-28).

Claim 7

A valve as recited in claim 5, said stem including a throat portion which contacts said valve body and provides generally axial compressive resistance when the instrument is engaged with said aperture in said stem (see comments for claims 5 and 6).

Claim 8

A valve as recited in claim 6, said throat portion including an end portion which sealably contacts said valve body. (figures 1-6, seal area 22, see comments for claim 6).

Claim 9

A valve as recited in claim 7, said throat portion including an end portion which sealably contacts said valve body. (See comments of claims 7 and 8)

Claim 10

A valve as recited in claim 1, said valve body having stem-engaging structure on an internal surface thereof for engaging said stem when the instrument is not engaged with said aperture in said stem (the compression zone 40 of figure 1, page 4, lines 23-27), said stem having valve-body engaging structure for engaging said stem-engaging structure on said valve body (the outer surface of the gland that contacts compression zone 40 of the housing, figure 1, see comments for claim 10).

Claim 11

A valve as recited in claim 10, said stem-engaging structure on said valve body comprising a taper (the compression zone 40 of figure 1, page 4, lines 23-27), said valve-body engaging structure on said stem comprising at least one contact point which engages said taper when the instrument is not engaged with said aperture in said stem (the outer surface of the gland that contacts compression zone 40 of the housing, figure 1).

Claim 12

A valve as recited in claim 1, said stem having an end which has said aperture formed therein, said stem configured such that said end of said stem protrudes past an end of said valve body, thereby exposing said end of said stem when the instrument is not engaged with said aperture in said stem. (Figure 1, page 5, lines 4-7).

Claim 13

A valve engageable with an instrument having a tip portion (page 4, lines 14-19, figure 2, nozzle 60),

said valve comprising: a valve body (page 4, line 15);

a deformable stem located in said valve body in a compressed condition and shiftable from a first position (gland 12 in all figures, page 7, lines 5-13, page 5, line 28 to page 6, line 3);

said stem having an aperture (aperture 42 in figure 1 and page 4, lines 21-22) configured such that when the instrument tip is engaged with said aperture in said stem, said stem is urged from the first position and said aperture deforms to allow liquid to flow therethrough to or from the instrument (figures 2-6, page 4, line 27 to page 5, line 3, page 7, lines 14-25);

a plug member disposed with a bore in the stem (cannula 14, which cooperates with the gland 12 to plug the interior of the valve, figures 1-6, and page 4, lines 15-16),

which generally seals with at least a portion of said stem when the valve is pressurized (seal area 22, page 5, lines 25-26), but is capable of being displaced by said tip to unseat and permit fluid flow (page 7, lines 9-11), yet will reseal as the instrument tip is being disengaged from said aperture in said stem (figure 1, page 7, lines 20-25, page 5, lines 12-14).

Claim 14

A valve as recited in claim 13, wherein a portion of said stem is generally conical and facilitates the closing of said aperture in said stem when said stem is urged into said first position. (The portion of the gland 12 in figure 17 that is radially outside portion 14c is a part of the gland 12 that, at least in part, urges the seal section 10 into the portion of the housing that forces the aperture 42 closed).

Claim 15

A valve as recited in claim 13, said stem including a head portion, said head portion contacting said valve body when said stem is urged into said first position, said contact between said head portion and said valve body urging said aperture in said stem closed. (seal section 10, figure 1, page 4, lines 23-26).

Claim 16

A valve as recited in claim 15, said stem including a throat portion (the portion of the gland 12 extending from the swabbable top surface to the seal area 22, *i.e.*, including the tubular section 18, figures 1-6) which contacts said valve body and provides generally axial compressive resistance when the instrument is engaged with said aperture in said stem and said stem is urged from said first position (page 7, lines 9-11, see comments for claim 15).

Claim 17

A valve as recited in claim 16, said throat portion including an end portion which sealably contacts said valve body. (See comments for claim 16).

Claim 18

A valve as recited in claim 13, wherein said plug member seals off a relatively high pressure area (seal area 22, page 5, lines 25-26) from said aperture in said stem and provides a low pressure area adjacent said aperture thereby reducing a likelihood that fluid will squirt out said stem through said aperture when the instrument is disengaged from said aperture in said stem (page 5, lines 25-27).

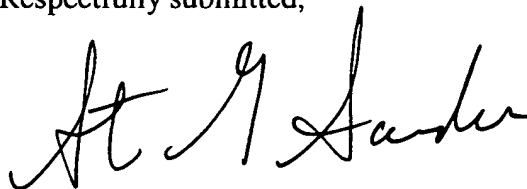
Claim 19

A valve as recited in claim 13, said stem having an end which has said aperture formed therein, said stem configured such that said end of said stem protrudes past an end of said valve body, thereby exposing said end of said stem when said stem is in said first position (Figure 1, page 5, lines 4-7).

Applicants request that the Examiner contact the undersigned, Steven Saunders, if it will

assist in the declaration of an interference.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "St G Saunders". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

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